

## **2000 SCHOOL QUALITY STANDARDS**

**2/9/06**

### **2100 Statutory Authority:** 16 V.S.A. §§164 and 165

### **2110 Statement of Purpose**

The purpose of these rules is to ensure that all students in Vermont public schools are afforded educational opportunities that are substantially equal in quality and are designed to enable them to achieve or exceed the expectations set forth in *Vermont's Framework of Standards and Learning Opportunities*.

These rules are designed to ensure continuous improvement in student performance and the provision of high quality programs to enable students to attain rigorous standards. To enable schools to meet locally established objectives while at the same time enabling students to achieve or exceed the above-referenced standards, flexibility is provided in Rule 2121.

Nothing herein shall be construed to entitle any student to educational programs or services identical to those received by other students in the same or different school districts. Further, nothing herein shall create a private right of action. These rules are in addition to and, unless otherwise specifically provided, do not supersede other rules contained in the Vermont State Board of Education Manual of Rules and Practices.

### **2111 Adoption of Student Performance Standards**

(a) Pursuant to 16 V.S.A. §164 (9), the State Board of Education hereby adopts and incorporates herein by reference *Vermont's Framework of Standards and Learning Opportunities* (hereinafter "Framework"), dated Spring 1996, as the standards for student performance in Vermont. The Framework shall be used to measure the performance of individual schools, as set forth in 2123.2 (a) of these rules. Schools shall use the Framework or comparable standards as the basis for the development and selection of curriculum, methods of instruction, locally developed assessments, and the content and skills taught and learned in school.

(b) The Framework may be updated and amended from time to time through a public process pursuant to written procedures developed in advance by the State Board of Education. The amendment process shall include, at minimum:

- (1) statewide notice in newspapers of general circulation in all areas of the state,
- (2) a period for written public comment,
- (3) at least one public hearing, and
- (4) consideration and adoption of the amendments at a duly warned regular State Board meeting.

## 2112 Definitions

The following definitions shall apply to these rules unless the context clearly requires otherwise:

- (1) “Academic record” includes standardized test scores, dates of attendance, multi-year plan, rank in class, awards, activities, clubs and other information not included in a student’s transcript, as locally determined.
- (2) “Applied learning” means the presentation of subject matter in a way that integrates a particular academic discipline (such as mathematics, science or English) with life experiences both in school and out of school and with personal workforce applications.
- (3) “Commissioner” means the Commissioner of Education or his or her designee.
- (4) “Comparable standards” means standards which are substantially equal in scope and rigor to the Framework in that they provide the basis for development and implementation of local curriculum, instruction, and assessment and identify the essential content and skills that should be taught and learned in school.
- (5) “Course of instruction” or “year of study” means 120 hours of instruction per subject.
- (6) “Educational Technology” means instruction and/or preparation in the appropriate use of current technology to provide students with the knowledge and skills needed to (electronically) communicate, solve problems, and to access, manage, integrate, evaluate and create information.
- (7) “Needs-based professional development” means staff development based upon needs identified through an examination of student performance data and related data and aligned with a school’s action plan for improving student performance.
- (8) “School” means an individual public school building or combination of public school buildings with one administration. Where the context suggests that a “school” take some action, the action shall be taken by the school board or such school officials as are designated by the school board, unless otherwise specified. “School” includes a technical center.
- (9) “Superintendent” means the superintendent of schools or person or persons assigned the duties of a superintendent pursuant to 16 V.S.A. §241(c).
- (10) “Technical Education” - Secondary technical education means an educational program leading to a high school diploma, designed to provide students with technical knowledge, skills and attitudes that will prepare them for further education, enhance their employment options, or lead to an industry- recognized credential.

(11) “Technology Integration” means the infusion of technology into the curriculum as a tool to enhance learning in a content area or multidisciplinary setting, enabling students to select technology tools to help them obtain information in a timely manner, analyze and synthesize the information, and present it professionally.

(12) “Transcript” means a formal document certifying a student’s or former student’s progress or attainments in grades nine through twelve and at minimum includes the student’s name, date of birth, last known address, years of attendance, courses taken, grades received, grade point average, and diploma or certificate of completion awarded.

## **2120 Specific School Quality Standards**

In order to carry out Vermont’s policy that all public school children will be afforded educational opportunities which are substantially equal in quality, and in order to ensure continuous improvement in student performance, each public school shall:

- (a) pursuant to Rule 2122.1, biennially complete the School Quality Standards Report, file it with the Commissioner, and report on its findings to the community in an understandable and comprehensive form; and
- (b) meet the following school quality standards:

### **2120.1 Action Plans**

An action plan shall be developed and implemented in each public school. The plan shall be designed to improve the performance of all students enrolled in the school. If a school district comprises more than one school building, a combined plan for some or all the buildings may be developed. The plan, however, shall reflect the different needs of individual schools.

The plan shall be developed with the involvement of school board members, students, teachers, administrators, parents and other community members.

The plan shall be developed using student performance data obtained from state and local assessments and other information related to student performance which may include, but is not limited to, dropout and retention rates, attendance, course enrollment patterns and graduation rates.

The school board shall approve the plan, which at minimum shall contain:

- (a) Goals and objectives for improved student learning,
- (b) Educational strategies and activities specifically designed to achieve these goals, including professional development of administrative and instructional staff, and
- (c) Strategies and supports to ensure the school maintains a safe orderly civil and positive learning environment which is free from harassment, hazing and bullying.

The plan shall be reviewed at least annually for its effectiveness toward meeting the stated goals and shall be revised as necessary based upon current student performance data.

## **2120.2 Assessment System**

### **2120.2.1 Participation in the State Comprehensive Assessment System**

Each school shall administer assessments of student performance using methods developed under 16 V.S.A. §164 (9) and consistent with the Vermont Comprehensive Assessment System adopted by the State Board of Education in November 1996, as amended from time to time. Public schools shall assess students in accordance with any requirements of law. Students who are unable to participate in district or state assessments shall be given an alternate assessment in accordance with law. Each school shall account for 100 percent of its students in regard to their participation in the state assessments.

### **2120.2.2 Development and Implementation of Local Comprehensive Assessment System**

(a) By September 1, 2006, each school district shall develop a local comprehensive assessment system that:

- (1) is aligned with the Framework,
- (2) is consistent with the Vermont Comprehensive Assessment System adopted by the State Board of Education in November 1996, as amended from time to time,
- (3) enables decisions to be made about instruction, professional development, and educational resources and curriculum, and
- (4) employs a balance of classroom-based and school-level assessments.

(b) A school's Local Comprehensive Assessment system shall assess students in those Framework or comparable standards associated with the Fields of Knowledge and Vital Results that are not assessed through the State Assessment System. The following grid is a graphic representation of the requirements of the Local Comprehensive Assessment System.

Local Assessments	K-4	5-8	9-12
<b>Course of Study/ Graduation Requirement/ Framework</b>			
- English Language Arts (including Reading)	✓	✓	✓
- Math	✓	✓	✓
- Science	✓	✓	✓
- Social Sciences	✓	✓	✓

- Arts	✓	✓	✓
- Physical Education	✓	✓	✓
<b>Course of Study/ Framework</b>			
- Comprehensive Health	✓	✓	✓
<b>Framework</b>			
- Technology Education	•	•	•
- World Language		•	•
- Family & Consumer Sciences		•	•
- Design and Technology Education and Technical Education		•	•

- ✓ Assessment required for all students
- Assessment for participating students (elective)

(c) The performance criteria of the system shall be clear and be communicated to teachers, administrators, students, parents and other community members. Students and parents shall be informed on a regular basis regarding progress toward achieving the standards.

(d) Each school shall develop and adopt policies on grade advancement.

### 2120.3 Report of Results

Each school shall report student performance results to the community at least annually in a format selected by the school board. In no case shall personally identifiable information on any student be revealed. The report shall at minimum include:

- (a) Information indicating progress toward meeting student performance standards from the most recent measures taken,
- (b) Information about the health and social well-being of children in the school district,
- (c) Information indicating progress toward meeting the annual goals of the action plan,
- (d) Any other statistical information about the school or community that the school board deems necessary to place the student performance results in context,
- (e) Information about early reading instruction provided under 16 V.S.A. §2903 (c),
- (f) Early care and educational opportunities available to children,
- (g) Community support available to children,

(h) A description of how the school ensures that each student receives appropriate career counseling and program information regarding education and apprenticeship program offerings at technical centers,

(i) If the school is a secondary school, data describing student participation in technical education, regional job opportunities and the number of graduates from the previous year who have entered post-secondary education, the military, and the job market,

(j) Information and supporting data presented in a manner designed to protect student confidentiality on the following:

(1) student attendance, including unexcused absences,

(2) student discipline, and

(3) if the school is a secondary school, dropout and graduation rates; and

(k) Other data required by law.

#### **2120.4 Needs-Based Professional Development**

(a) Each school shall develop and implement a school-wide system of appropriate needs based professional development for all professional staff including administrators and other staff involved in student instruction, including paraprofessionals. The professional development system shall be designed, after research and data collection, to enhance the skills and abilities of staff to improve student performance in relation to the Framework or comparable standards.

(b) The school's professional development system shall be aligned with its staff evaluation and supervision policies, action plan and district-wide goals; provide new professional staff with appropriate training; and put new professional staff members in contact with the local and regional standards boards to establish an Individual Professional Development Plan (IPDP) for the licensure period.

(c) Mentoring shall be a structured component of each school's needs-based professional development system. For the purposes of this subsection, "mentoring" means the pairing of a mentor with an educator who is either new to the profession or new to the school in order to provide training, orientation, assistance and support. Further, for the purposes of this subsection, a "mentor" is an experienced educator who has demonstrated high quality instructional practice and who has been provided training in mentoring. The school board, after reviewing the "Guidelines for Developing Successful Educator Mentoring Programs" recommended by the Vermont Standards Board for Professional Educators (VSBPE), shall determine the specifics of each component of the mentoring program in their school(s).

## **2120.5 Staff Evaluation**

Staff evaluation programs and policies shall be designed and implemented with the goal of improved student outcomes. Such programs and policies shall be consistent with the provisions of 16 V.S.A. §1752(b), shall address the needs of all staff, including administrators, and shall pay particular attention to teachers who are new to the profession and new to the school, or are in need of improvement in terms of instructional practice; content knowledge; working relationship with colleagues, parents and community members, and other areas as appropriate. Evaluation shall be provided regularly for all staff beyond any initial two-year period.

## **2120.6 Access to Technical Education**

Schools with grades 9-12 shall offer genuine access to technical education programs. These schools shall ensure that students receive appropriate career counseling and program information regarding the availability of education and apprenticeship program offerings at technical centers. Credits and grades earned in an approved technical education course or in approved technical education program are subject to the requirements of 16 V.S.A. §1545.

## **2120.7 Federal and State Entitlements; Nondiscrimination**

Each school shall ensure that students are furnished educational and other services in accordance with state and federal entitlements.

No student in a public school, nor any student educated through payment of public tuition funds, shall be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving federal or state funds as the result of, or based upon, the student's race, gender, color, creed, national origin, marital status, sexual orientation, or solely by reason of handicap or disability, or any other reason set forth in state or federal non-discrimination requirements.

## **2120.8 Conditions, Practices and Resources of Schools**

### **2120.8.1 School Leadership**

The roles and responsibilities of the school's leadership, including the school board, superintendent and principal or technical center director shall be clearly delineated so that there is no duplication of effort or misunderstanding about authority. All school leaders should have sufficient time to carry out their responsibilities in order to focus on improving student learning.

The school leadership shall support teaching and learning by providing for: (1) the safe and orderly management of the school; (2) appropriate professional development linked to the school's action plan; (3) supervision and evaluation of staff; (4) the development,

implementation, coordination and revision of the curriculum; and (5) an environment that inspires academic achievement.

At all levels of leadership, school officials shall encourage parental and other community involvement.

Each school shall employ a licensed principal who shall be responsible for the day-to-day leadership of the school. The principal shall be answerable to the superintendent in the performance of his or her duties.

Schools with 10 or more full-time equivalent teachers shall employ a full-time licensed principal. Schools with fewer than 10 FTE teachers shall employ a licensed principal on a pro-rata basis.

## **2120.8.2      Staff**

(a) All professional staff shall be licensed and appropriately endorsed and shall have had adequate academic preparation and training to teach or provide services in the area to which they are assigned.

(b) At the elementary level, classes in grades K-3, when taken together, shall average fewer than 20 students per teacher. In grades 4-8, when taken together, classes shall average fewer than 25 students per teacher.

(c) At the secondary level, the total class rolls of an English language arts teacher shall not exceed 100 students. In other disciplines, class rolls shall not average more than 150 students per teacher, except where the specific nature of the teacher's assignment, such as in certain art, music, or physical education programs, is plainly adaptable to the teaching of greater numbers of students while meeting the educational goals of the program.

(d) The services of a library-media specialist shall be available to students. Schools with over 300 students shall have at least one full-time library-media specialist and sufficient additional staff to carry out the program. Schools with fewer than 300 students shall employ a library-media specialist in at least an approximate proportion of the number of students in the school to 300.

(e) Each school shall employ sufficient and qualified special education staff as are needed to identify students eligible for special education services and to implement each eligible student's Individual Education Plan and Section 504 plan.

(f) Each school shall employ instructional and administrative staff who possess the knowledge and skills to implement the Framework or comparable standards. Each school shall use such methods as staffing patterns, scheduling, distance learning, computer technology and partnerships with higher education, businesses and human services agencies to maximize the effectiveness of staff.



(g) To the extent practicable, each school shall take into consideration class size and composition in placing professional staff appropriately in their first two years of employment in the school.

(h) Upon request of a school board, the Commissioner may waive the above class and caseload size requirements where:

- (1) necessary to carry out locally-established objectives,
- (2) student learning will not be adversely affected,
- (3) classroom control will not be compromised, and
- (4) it is otherwise in the best interests of student learning.

Unless exceptional circumstances are present, the Commissioner shall respond to such requests within 10 days.

### **2120.8.3 Comprehensive System of Support Services; Educational Support Team**

In accordance with 16 V.S.A. § 2902 and Rule 2194:

(a) Each school shall ensure that a comprehensive system of support services is in place, including an Educational Support Team, to assist all students in working toward attainment of the Framework standards or comparable standards.

(b) Each school's comprehensive system of support services shall:

- (1) increase the ability of the general education system to meet the needs of all students, including those who require additional assistance in order to succeed or be challenged,
- (2) be integrated with the general education curriculum,
- (3) provide a range of support and remedial services, including instructional and behavioral interventions and accommodations,
- (4) provide needed student support regardless of eligibility for categorical programs, and
- (5) involve families, community supports and the system of health and human services.

(c) Each school's comprehensive system of support services shall be designed to prevent or mitigate factors which may interfere with student learning, and to ensure that students receive the specialized or intensive support they may require to work toward attainment of the standards contained in the Framework or comparable standards.

#### **2120.8.4 School Counselors**

(a) A school counseling program shall be available to all students in grades K-12. At the elementary level, there shall be no more than 400 students per school counselor. Schools with fewer than 400 students shall employ a school counselor at least proportionate to the ratio of the number of students to 400. At the secondary level, there shall be no more than 300 students per school counselor. For purposes of this rule, the term “school counselor” includes the term “guidance counselor.”

(b) The school counseling program shall conduct programs that address students’ academic, career, personal and social development. Such programs shall be aligned with the work of other professionals in the school setting, as well as those in other educational and human service agencies.

#### **2120.8.5 Health Services**

(a) Health services, including health appraisal, counseling, communicable disease control, and emergency and first aid care, shall be made available in a confidential manner students in each school. These health services shall be delivered in accordance with the school district’s written policies and procedures which shall be developed in collaboration with parents and community health resources. The school shall comply with requirements of state law relative to vision and hearing screening, immunization, and child abuse reporting, and federal law relating to invasive physical examinations in accordance with the Protection of Pupil Rights Act (20 U.S.C. §1232h, as amended from time to time).

(b) Each school shall engage the services of a person licensed as a School Nurse or Associate School Nurse and shall specify in writing his or her duties. There shall be no more than 500 students per school nurse. Schools with fewer than 500 students shall employ a nurse at least proportionate to the ratio of the number of students to 500. Notwithstanding the ratios set forth above, a school shall provide for sufficient coverage by a School Nurse or an Associate School Nurse to develop individual health care plans (IHPs), train staff on the implementation of IHPs, and ensure appropriate administration of medication.

#### **2120.8.6 Interagency Teams**

Schools shall participate in interagency teams as required by 33 V.S.A. §4303 and any other requirement of law.

#### **2120.8.7 Graduation Requirements**

(a) Graduation requirements. A student meets the requirements for graduation if, at the discretion of each secondary school board:

- (1) the student demonstrates that he or she has attained or exceeded the standards contained in the Framework or comparable standards as measured by results on performance-based assessments; or

(2) the student successfully completes at least 20 Carnegie units, including at minimum the following courses of instruction aligned with the Framework:

(A) four years of English language arts,

(B) three years of science,

(C) three years of mathematics,

(D) three years of civics, history and the social sciences, one year of which shall be in U.S. history and government,

(E) one year of the arts,

(F) one and one-half years of physical education; or

(3) any combination of 1 and 2 above that demonstrates that the student has attained or exceeded the Framework or comparable standards.

Nothing herein shall be construed to prohibit a school board from establishing additional local graduation requirements.

(b) Multi-year Plans. A Multi-year Plan is an individual plan for students with limiting handicaps that leads to completion of the graduation requirements. This plan shall include a component explaining any exception to the graduation requirements and alternative requirements designed for the pupil. A description of the process follows.

A request for Multi-year Plans may be made by students, parents, teachers, and guidance personnel, or school administrators.

For students who are eligible for special education (see Rule 2360), a Multi-year Plan shall be considered at a student's Individual Education Plan (IEP) meeting (see Rule 2364.2) beginning with the IEP meeting to plan services for the year in which the student turns 14 years old. The participants at the IEP meeting shall develop a Multi-year Plan if they determine that it is necessary in order for the student to graduate. The student's superintendent or his or her designee shall review and approve or disapprove all Multi-year Plans. Any changes to a Multi-year Plan shall be submitted by the IEP participants.

The superintendent or his or her designee shall be responsible for developing the Multi-year Plan and shall determine the extent to which accommodations are made in graduation requirements.

When approved, completion of the Multi-year Plan shall be stated as one of the goals in the student's IEP.

Upon successful completion of an approved Multi-year Plan for graduation, a diploma shall be awarded to the student.

### **2120.8.8 Instructional Practices**

The school shall use a range of research-based instructional practices that most effectively influence student learning as identified by national and Vermont research and any other data locally collected and analyzed. Such approaches shall include opportunities for applied learning, emphasizing the connections between what students learn in school and how that knowledge is used in life experiences both in school and out of school.

### **2120.8.9 Curriculum Leadership, Content and Coordination**

#### **(a) General**

(1) Each school's written curriculum shall be:

(A) aligned with the Framework;

(B) coordinated across all grades;

(C) coordinated with the curriculum of other schools within the supervisory union, including between sending high schools and technical centers;

(D) revised as warranted based upon a periodic review of student performance results, learning opportunities data, new research and updated content knowledge; and

(E) designed to meet the needs of all students.

(2) Each school shall provide opportunities, appropriate to age and ability, for students to engage in service learning, to develop leadership skills and to participate in cultural programs. Each school offering education in grades 7-12 shall offer a variety of options such as, but not limited to, athletics, drama, music, student government, peer leadership, journalism, special interest clubs and organizations and community projects.

(3) Each school shall provide appropriate learning opportunities to all students to support their attainment of the standards contained in the Framework. Each school shall provide supplemental learning opportunities to students in all grades who exceed these performance standards.

(4) Each school shall offer a research-based alcohol, tobacco or other drug prevention program, aligned with the Framework, which meets the requirements of 16 V.S.A. § 909 and Rule 4213.1.

(5) Each school shall provide comprehensive health education for all students in accordance with sections 16 V.S.A. §§ 131 and 906(b)(3).

(6) Each school shall integrate technology into their curriculum by December 31, 2006.

(b) Elementary and Middle School Students

(1) Each school which offers kindergarten shall provide at minimum:

(A) a literacy program that includes language and literature components,

(B) instruction in phonological awareness, and

(C) a foundation in mathematics.

(2) The kindergarten program shall be coordinated with the grades 1-6 program and, where applicable, with its early education programs and other early education programs as appropriate.

(3) Each school offering education in grades 1-3 shall provide highly effective, research-based reading instruction to all students designed to enable students to meet standards for third grade reading proficiency by the end of grade 3. For any student whose reading performance falls below the level expected in order to achieve third grade reading proficiency, the school shall work to improve the student's reading skills by providing additional research-based reading instruction to the student, and by providing support and information to parents and other family members.

(4) Each school offering education in grades K-8 shall provide a course of instruction in:

(A) English language arts;

(B) mathematics;

(C) science; and

(D) social sciences, including civics and history and, including learning experiences in Vermont History and government.

(5) Each elementary school offering education in grades K-6 shall provide students with programs at least twice weekly, or the equivalent thereof, in both the arts and physical education.

(6) Each school providing education in grades 7 and 8 shall offer students physical education at least twice weekly, or the equivalent thereof, and one-half year of study

or the equivalent thereof, in each of the following: the arts, family and consumer science, and design and technology education.

(7) Each school offering education in grades K-8 shall provide opportunities for all students to become literate in using educational technology as a tool to enhance their learning by December 31, 2006.

(c) Secondary Students

(1) Each school providing education in grades 9-12 shall offer the equivalent of at least four years of study in each of the following academic areas: English language arts; civics, history and the social sciences; mathematics; science; world languages; the arts; and physical education.

(2) In addition, each school shall:

(A) offer a variety of additional elective courses,

(B) make available courses in family and consumer sciences, business, driver and traffic safety education,

(C) make available courses in technology education (applied learning) and technical education, either in the high school or the regional technical center, and

(D) provide students with opportunities for advanced course work such as Advanced Placement courses and college level courses.

**2120.8.10 Educational Materials**

Students shall have access to current educational materials, including textbooks that support students in meeting or exceeding the Framework or comparable standards.

**2120.8.11 Library**

Each school shall adopt and maintain a written plan that:

(a) provides for the planned growth of library media resources.

(b) ensures that students, teachers, administrators and paraprofessionals have access to an organized collection of print and non-print materials sufficient and appropriate to support all students in meeting or exceeding the Framework or comparable standards.

(c) provides students access to the library on a regular basis to use materials for reading, research and training in the skills needed to use the library effectively.

- (d) ensures that the classroom curriculum is supported by necessary print and non-print materials.
- (e) ensures that students are afforded the opportunity to learn the skills to locate, evaluate, synthesize and present information and ideas in the context of specific subject areas.
- (f) addresses the selection of library materials and a process for handling complaints.

#### **2120.8.12 School Facilities and the Learning Environment**

- (a) Each school shall maintain a safe, orderly, civil and positive learning environment, which is free from hazing, harassment and bullying and based on sound instructional and classroom management practices and clear discipline and attendance policies that are consistently and effectively enforced.
- (b) The design and operation of the school facilities shall be in full compliance with all state and federal fire, health, safety and architectural standards.
- (c) The learning environment shall be free from overcrowding and students shall not be subject to environmental distractions or dangers.
- (d) Each school's comprehensive plan for responding to student misbehavior, as required by 16. V.S.A. §1161a(a), shall address student behavior, language, classroom attendance, clothing and treatment of property, as well as consequences for violations of policy and shall be clear and consistently enforced. Each school shall observe due process requirements as set forth in Rule 4300 et seq.
- (e) Each school shall develop and implement a system of maintaining student records that aligns with Department of Education data collections and which enables accurate and timely reporting in connection with state and federal data collection requirements, and insures the accuracy, relevancy and confidentiality thereof, and accessibility thereto, and which is in compliance with the federal Family Education Rights and Privacy Act of 1974 (P.L. 95-380 as amended from time to time). Student records shall be safely stored. For grades 9-12, the transcripts of graduates and dropouts shall be permanently maintained and the academic records may be permanently maintained.
- (f) Each school shall adopt and implement policies consistent with the federal Protection of Pupil Rights Act (20 U.S.C. §1232h as amended from time to time) regarding surveys, analyses and evaluations.

#### **2120.8.13 Access to Current Technology**

Each school shall:

- (a) provide access to a variety of up-to-date information, assistive, and other technology to support students in meeting or exceeding the standards contained in the Framework or comparable standards,

(b) provide access to state and national learning resources through electronic information sources, and

(c) adopt and implement written policies on electronic resources, acceptable Internet usage, and procedures for handling complaints.

## **2121 Variance**

Upon written request of a school board, and after opportunity for hearing, the State Board of Education may approve an alternative method for meeting the requirements of Rule 2120.8 –2120.8.13 when:

(a) the alternative method is consistent with the intent of the rule;

(b) the variance permits the school board to carry out locally-established objectives; and

(c) the granting of the variance does not contravene any state or federal law, any federal regulation, or any rule of any state agency other than the State Board of Education, unless such rules themselves permit the granting of a waiver or variance.

## **2122 System for Determining Compliance with School Quality Standards**

### **2122.1 Filing of School Quality Status Report**

By June 30, 2006, principals of public schools and headmasters of any independent school participating in the School Quality Standards process shall complete and return to the Commissioner a status report designed to determine each school's compliance with the School Quality Standards

The form, to be completed, shall include a statement of the Standard; a checklist of significant requirements under the Standard; and questions on particular standards where appropriate to elicit information on manner and degree of compliance with the Standard.

In the case of an independent school participating in the School Quality Standards process, the information on the form shall be attested to by the headmaster. In the case of a public school, the information on the form shall be attested to by the superintendent, the principal and the school board chair.

### **2122.2 Further Review; Commissioner's Recommendation; State Board Action**

(a) Each year, the Commissioner shall, through a process of stratified random sampling, determine the 30-50 schools that will be visited by a Department of Education-led team to further review compliance with the School Quality Standards.

(b) If after reviewing the report of the visiting team, the Commissioner determines that a school does not substantially meet the School Quality Standards, he or she shall describe



in writing the specific School Quality Standards found to be unmet and the specific actions that a district must take in order to come into compliance. The Commissioner's notice shall also describe what technical assistance shall be provided. The Commissioner shall afford the school district an opportunity for hearing on the determination. The Commissioner's decision shall be final.

(c) If the school fails to meet the School Quality Standards by the end of the next two-year period, the Commissioner shall recommend to the State Board one or more of the following actions:

- (1) Continue technical assistance,
- (2) Adjust supervisory union boundaries or responsibilities of the superintendency,
- (3) Assume administrative control of the school or portion thereof but only to the extent necessary to correct deficiencies, or
- (4) Close the school and require that the school board pay tuition to another public school or an approved independent school pursuant to Chapter 21 of Title 16.

(d) In the case of an independent school seeking to meet School Quality Standards, such school may receive technical assistance but shall not be subject to subdivisions (c) (2)-(4) of this section. The independent school may continue to be designated an independent school meeting the School Quality Standards unless and until the State Board, after an opportunity for a hearing, finds that:

- (1) the school has discontinued its participation in the School Quality Standards process; or
- (2) the school fails to substantially meet the School Quality Standards after two or more years following the initial determination.

(e) The State Board, after offering the school board an opportunity for a hearing, shall either dismiss or affirm the Commissioner's recommendation or order that one or more of the actions listed in subdivision (c) (1)-(4) of this section be taken.

## **2123 Effective Date**

These rules, except as otherwise specified herein, shall become effective on 15 days after adoption is complete in accordance with 16 V.S.A. §845 (d).